UNITED STATES PATENT & TRADEMARK OFFICE

Examiner:

OGUNBIYI, O.A.

Art Unit: 1645

Applicant:

THIRY, Michel, et al.

Serial No.:

10/574,639

Filed

March 31, 2006

For:

PISCIRICKETTSIA SALMONIS ANTIGENS AND USE THEREOF

Confirmation No.

4135

DECLARATION OF DEPOSITOR

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 April 7, 2008

SIR:

I, Ingrid Dheur hereby state:

- 1. That I am a Biologics B.U. Director at Eurogentec S.A.
- 2. That, on September 11, 2003, I deposited a sample of

Yersinia ruckeri 224/pGEM5ZF+/45kDa/S with the

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacterienverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

This deposit was made in compliance with the Budapest Treaty on the International

Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number LMG P-22044. A copy of the accession agreement is annexed hereto as Exhibit A.

3. That, on May 27, 2004, I deposited a sample of

Yersinia ruckeri 224/pGEM5ZF+/75kDa with the

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacterienverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

This deposit was made in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number LMG P-22511. A copy of the accession agreement is annexed hereto as Exhibit B.

4. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited material referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited material will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of any of the deposited material was received by the BCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

* Anil 4 Loo?
Date

Depositor

Exhibit A

DEPOSIT RECEIPT FOR LMG P-22044



				KOPIE
BELGI/	AN COO	RDINATED COLLEC	CTION	S OF MICROORGANISMS - BCCM
				50bReceipt in the case of an original deposit
Bud	apest T	reaty on the Interna P	tional eurpos	Recognition of the Deposit of Microoganisms for the es of Patent Procedure
Rec	eipt in t D	he case of an origin epositary Authority	nal dep BCCN	oosit issued pursuant to Rule 7.1 by the International
		International	<i>i</i> Form	BCCM/LMG/BP/4/03-150b
То:	Name	e of the depositor	:	EUROGENTEC SA (D. Cingolani)
	Addre	ess	:	Rue Bois St Jean 14 B-4102 Seraing Belgium
1.	ldent	ification of the micr	oorga	nism:
,	1.1	Identification referen	nce giv	en by the depositor:
				Yersinia ruckeri 224/pGEM5ZF+/45kDa/S
	1.2	Accession number	given l	by the International Depositary Authority:

LMG P-22044



BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM LMG COLLECTION

Page 2 of Form BCCM/LMG/BP/4/......03-150b...... Receipt in the case of an original deposit

II. Scientific description an/or proposed taxonomic designation

The microorganism Identified under I above was accompanied by :

(mark with a cross the applicable box(es))

- a scientific description
- a proposed taxonomic designation

III. Receipt and acceptance

Date:

This International Depositary Authority accepts the microorganism identified under I above, which was received by it on (date of original deposit):

September 11, 2003

IV. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):

Dr. D. Janssens, curator IDA

October 8, 2003

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM LMG COLLECTION

KOPIE

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 1 (3) () () ()			•

Budapest Treaty on the International Recognition of the Deposit of Microoganisms for the Purposes of Patent Procedure

Viability statement issued pursuant to Rule 10.2 by the International Depositary Authority BCCM/LMG identified on the following page

				n BCCM/LMG/BP/9/03-150b
		Inter	national Fon	II DCCHULMCD1751
To:	Party to	whom the via	bility stateme	ent is issued
	Name		:	Ir. D. Cingolani
٠	Address		:	EUROGENTEC SA Rue Bois St Jean 14 B-4102 Seraing Belgium
) <u>.</u>	Deposite	or		
	1,1	Name	:	EUROGENTEC SA
	1.2	Address	:	Rue Bois St Jean 14 B-4102 Seraing Belgium
II.	Identific	ation of the m		n y the International Depositary Authority:
				LMG P-22044
	II.2	Date of the o	riginal deposit elevant date):	(or where a new deposit or a transfer has been made, the
				September 11, 2003
Ш.	Viability	statement		·
	The vial (Give da	bility of the mate. In the case	icroorganisn is referred to i	n identified under II above was tested on: n Rule 10.2(a)(ii) and (iii), refer to the most recent viability test).
			-	September 15, 2003
	On that	date, the said	I microrganis	sm was : (mark the applicable box with a cross)
	\boxtimes	viable		•

no longer viable

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM



Conditions under which th	
	he viability test has been performed:
(Fill in if the information has	been requested and if the results of the test were negative).
•	
	•
International Depositary A	Authority
Belgian Coordinated Collect	tions of Microorganisms (BCCM) blogie - Bacteriënverzameling (LMG)
Universiteit Gent K.L. Ledeganckstraat 35	
B-9000 Gent, Belgium	
b-9000 Gent, beigium	
b-9000 Gent, beigium	
· · · ·	naving the power to represent the International Depositary A
	having the power to represent the International Depositary A

Date:

October 8, 2003

Exhibit B

DEPOSIT RECEIPT FOR LMG P-22511

				IS OF MICROORGANISMS - BCCM KOPI 187Receipt in the case of an original deposit	E
Bud	dapest Tr	eaty on the interna F	tional Purpos	Recognition of the Deposit of Microoganisms for the ses of Patent Procedure	
Red	ceipt in ti De	positary Authority	BCCN	posit issued pursuant to Rule 7.1 by the International M/LMG identified at the bottom of next page	٠
	· .	Internationa	/ Form	n BCCM/LMG/BP/4/ 04-187	
To:	Name	of the depositor	:	EUROGENTEC SA (D. Cingolani)	
	Addre	ess	:	Rue Bois St Jean 14 B-4102 Seraing Belgium	
1.	ldent	ification of the mic	roorga	anism:	
	1.1	Identification refere	ence giv	iven by the depositor:	
				Yersinia ruckeri 224/pGEM5ZF+/75kDa (batch 05/05/2004)	
	1.2	Accession number	given	by the International Depositary Authority:	

LMG P-22511

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM

LMG COLLECTION
Page 2 of Form BCCM/LMG/BP/4/...... 04-187 Receipt in the case of an original deposit

II. Scientific description an/or proposed taxonomic designation

The microorganism identified under I above was accompanied by:

(mark with a cross the applicable box(es))

- a scientific description
- a proposed taxonomic designation

III. Receipt and acceptance

This International Depositary Authority accepts the microorganism identified under I above, which was received by it on (date of original deposit):

May 27, 2004

IV. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)
Universiteit Gent
K.L. Ledeganckstraat 35
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority

or of authorized official(s):

Dr. D. Janssens, curator IDA

Date: June 7, 2004

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM

LMG COLLECTION

Page 1 of Form BCCM/LMG/BP/9/..... 04-187 Viability statement

Budapest Treaty on the International Recognition of the Deposit of Microoganisms for the Purposes of Patent Procedure

	Viability s	tatement issu I	ed pursuant BCCM/LMG i	to Rule 10.2 by the International Depositary Authority dentified on the following page
		Inter	national For	m BCCM/LMG/BP/9/ 04-187
To:	Party to	whom the via	bility statem	ent is issued
	Name		:	Ir. D. Cingolani
	Address	4,	· :	EUROGENTEC SA Rue Bois St Jean 14 B-4102 Seraing Belgium
i.	Deposito	or		
	1.1	Name	:	EUROGENTEC SA
	I.2	Address	:	Rue Bois St Jean 14 B-4102 Seraing Belgium
11.	Identific	ation of the n	nicroorganis	m .
	II.1	Accession nu	ımber given b	y the International Depositary Authority:
				LMG P-22511
	II.2	Date of the o	riginal deposi relevant date)	t (or where a new deposit or a transfer has been made, the
				May 27, 2004
				•

Viability statement III.

The viability of the microorganism identified under il above was tested on: (Give date. In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test).

May 27, 2004

On that date, the said microrganism was : (mark the applicable box with a cross)

 \boxtimes viable

no longer viable

			•				
Coi	nditions under v	which the viability	test has been	performed:			
(Fill in if the information has been requested and if the results of the test were negative).							
_							
		•					
		·	•		•		
	"						
·	``						
·	``						

V. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM) Laboratorium voor Microbiologie - Bacteriënverzameling (LMG) Universiteit Gent K.L. Ledeganckstraat 35 B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):

Dr. D. Janssens, curator IDA

Date: June 7, 2004